

CITY OF CARLSBAD

COUNCIL POLICY STATEMENT

Policy No. 55
Date Issued Dec. 6, 1994
Effective Date Dec. 6, 1994
Cancellation Date _____
Supersedes No. _____
dated _____

General Subject: Public Works Contracts

Specific Subject: Subcontractor substitution

Copies to: City Council, City Manager, City Attorney, Department and Division Heads,
Employee Bulletin Boards, Press, File

PURPOSE: To designate the City Engineer as the City Council's "duly authorized officer" for the purposes of approval of the substitution of subcontractors on public works contracts in the City of Carlsbad.

POLICY: It is the policy of the City Council that:

1. In all public works contracts with the City of Carlsbad entered into pursuant to Chapter 3.28 of the Carlsbad Municipal Code and/or the California Public Contract Code that the substitution of subcontractors, when authorized under the law, be handled in the most expeditious manner at the administrative level, rather than requiring a City Council public hearing.
2. For the purposes of Public Contract Code sections 4107 and 4107.5 relating to substitution of subcontractors on public works contracts, the City Engineer is hereby designated as the City Council's "duly authorized officer" and is empowered to consent to substitutions of subcontractors, give notices, and conduct public hearings, if required, in accordance with and as authorized by those contract code provisions. The City Engineer shall consult with the City Attorney prior to consenting to substitution of a subcontractor.
3. The City Engineer is not authorized to approve substitutions prohibited by law. The City Engineer shall notify the parties in writing of the decision to grant or refuse consent within five (5) days of conducting a public hearing required by section 4107 and/or 4107.5. The decision shall be final ten (10) days after mailing, unless an affected party files a written appeal with the City Clerk within those ten (10) days. The appeal fee shall be set at \$250.00; thereafter to be established by resolution. The Appellant shall specify therein the manner in which the City Engineer's decision erred, and serve the appeal on all affected parties. The City Clerk shall give notice of a public hearing thereon by mail to the Appellant and all affected parties, for the next City Council meeting which will result in at least five (5) days notice.
4. Where the amount of the subcontract in controversy exceeds \$250,000, the public hearing, if required, shall be conducted by the City Council.